

REMARKS

Claims 1-12 and 14-26 are pending and under consideration.

Claims 1-12 and 14-26 are rejected under 35 U.S.C. §103(a) as obvious over Hunt (U.S.P. 6,223,215) in view of Bezos (U.S.P. 6,029,141) and Walker (U.S.P. 5,794,207).

The rejections are traversed.

Recited Features Not Taught By Cited Art

As provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F. 2d 1981, (CCPA 1974)."

Applicants respectfully submit that *prima facie* obviousness is not established since features recited by the claims are not taught by the cited art alone or in combination.

For example, independent claims 1, 11, 12, 14, and 21 recite, respectively, an online sales promotion method, an apparatus, a computer-readable medium, and a device, using claim 1 as an example, including "receiving product information on said product and designation information on a third party being able to supply additional information about said product from a first user."

The Action concedes that "Hunt lacks explicit recitation of the phrase." (Action at page 3). However, the Examiner contends that it would have been obvious to modify Hunt so "the seam is eliminated." (Action at page 3). The Examiner also indicates that independent claim 22 is rejected for the same reasons as claim 1.

However, none of the cited art, alone or in the *arguendo* combination, teach "receiving product information on said product and designation information on a third party being able to supply additional information about said product from a first user." (Emphasis added).

Further, independent claims 1, 11, and 12, using claim 1 as an example, recite, respectively, an online sales promotion "receiving said additional information regarding the product that is related to said product information from said third party." (Emphasis added). Applicants submit these features are not taught by the cited art, alone or in combination, nor has the Examiner provided a citation or otherwise addressed this feature at all.

Hunt does not teach a method, an apparatus, a computer-readable medium, or a device regarding a third party.

Walker does not teach "receiving . . . designation information on a third party . . . from a

first user." (Emphasis added). Rather, Walker teaches a configuration in which a seller (*arguendo* "a third party" according to the present invention) specifies a buyer (*arguendo* "a user" according to the present invention), that is opposite to the recited configuration according to aspects of the present invention.

Bezos merely teaches a customer (*arguendo* "a user") is connected to a business entity by a referral link in a catalog. However, Bezos teaches that the customer does not specify a business entity (*arguendo* "a third party") directly. Rather, Bezos merely teaches (see, for example, col. 12, starting at line 20) an indirect specification of the business entity by selection of a product. That is, a referral link is read from a catalog of the selected product, and a shopping cart including a customer ID, a product ID and a shop ID is created when the customer selects the product. According to this configuration taught by Bezos, a customer cannot freely specify a business entity selling a specific product. Further, the customer cannot specify a plurality of business entities or compare information obtained therefrom to purchase a product from a business entity which is most suitable for the customer.

Since features recited by claims are not taught by the cited art, alone or in combination, the rejection should be withdrawn and claims 1-12 and 14-26 allowed.

No Motivation To Combine Art

The Examiner contends that it would have been obvious to modify Hunt:

to add Bezos' providing additional information on items that can be placed in shopping carts and Walker's allowing multiple parties present information on item(s) of interest to a user/purchaser to Hunt's utilization of a shopping cart for shopping involving multiple and varied items. One would have been motivated to do this in order to provide the user with relevant information on items of interest.

(Action at page 11).

Applicants submit there is no motivation or reasonable chance of success to modify the cited art as the Examiner contends. As provided in MPEP §2144. 04:

(t)he mere fact that a worker in the art could rearrange the parts of the reference device . . . is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation . . . without the benefit of appellant's specification, to make the necessary changes in the reference device.

Hunt teaches that "accordingly, in one embodiment, the seam between the catalog subsystem and the purchase substem is eliminated."

That is, there is no motivation for one of ordinary skill to look to other art to solve a problem posed by Hunt that Hunt already solves, as the Examiner contends.

Since there is no motivation to combine the art as the Examiner contends the rejection

should be withdrawn and claims 1-12 and 14-26 allowed.

Summary

Since *prima facie* obviousness is not established, the rejections should be withdrawn and claims 1-12 and 14-26 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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